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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/776,100
Filing Date: February 10, 2004
Appellant(s): CHANDRA, ROHIT

MAILED

JUL 13 2007

Technology Center 2100

Jae Won Song
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 02 March 2007 appealing from the Office action mailed 06 October 2006.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6,763,362	McKeeth	7-2007
6,279,037	Tams et al.	8-2001
6,526,440	Bharat	2-2003
US2003/0229692	Vo	12-2003
US2002/0087679	Pulley et al.	7-2002
6,879,994	Matsliach et al.	4-2005
US2005/0021731	Sehm et al.	1-2005

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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1. Claims 12, 22, 26, 27, 38, 43, and 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over McKeeth (6,763,362) and Tams et al. (6,279,037).
2. As per claims 12, and 43, McKeeth teaches a search system for ranking Internet search results based upon popularity of web pages on a network (see McKeeth, abstract), and determining the popularity of the web pages based upon the extracted information, the popularity of the web pages being proportionate to actual number of visits to the web pages as indicated by the extracted information (see McKeeth, col. 7, lines 35-62); and a search engine for receiving search terms and retrieving web pages containing the search terms (see McKeeth, col. 4, lines 43-60), the search engine ranking the web pages at least in part based upon the popularity of the retrieved web pages (see McKeeth, col. 8, lines 14-40). But fails to teach the search system comprising a plurality of monitoring devices placed in the network, the monitoring devices monitoring packets traversing the network and extracting information on the packets; a processing module coupled to the monitoring devices and receiving the extracted information from the monitoring devices, the processing module analyzing the extracted information. However, Tams et al. teaches the search system comprising a plurality of monitoring devices placed in the network, the monitoring devices monitoring packets traversing the network and extracting information on the packets (see Tams et al., col. 2, lines 13-28); a processing module coupled to the monitoring devices and receiving the extracted information from the monitoring devices, the processing module analyzing the extracted information (see Tams et al., col. 10, lines 4-18). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify

McKeeth to the search system comprising a plurality of monitoring devices placed in the network, the monitoring devices monitoring packets traversing the network and extracting information on the packets; a processing module coupled to the monitoring devices and receiving the extracted information from the monitoring devices, the processing module analyzing the extracted information in order to reduce problems due to different counting techniques and data table formats, by monitoring and processing collected network traffic data, as required, to place it into a common data format (see Tams et al., col. 6, lines 12-19).

3. As per claim 22, McKeeth and Tams et al. teach a system, wherein the processing module maintains a counter corresponding to a URL and increments a count of the counter, if the extracted information indicates that the web page corresponding to the URL was visited, the count indicating the number of visits to the web page (see McKeeth, col. 7, lines 35-62).

4. As per claim 26, McKeeth and Tams et al. teach a search system, wherein the monitoring devices detect requests to stale web pages (see McKeeth, paragraph 0011).

5. As per claim 27, McKeeth and Tams et al. teach a search system, wherein the monitoring devices detect pages unknown to the search engine (see McKeeth, paragraph 0011).

6. As per claim 38, McKeeth teaches a method for ranking Internet search results based upon popularity of web pages (see McKeeth, abstract), the method comprising: receiving a search term; performing search of web pages on the Internet based upon the received search term (see McKeeth, col. 4, lines 43-60); retrieving a plurality of web

pages containing the search term (see McKeeth, col. 11, line 50-col. 12, line 5); and ranking the web pages at least in part based upon the popularity of the retrieved web pages, the popularity of the retrieved web pages (see McKeeth, col. 12, lines 6-33); and being proportionate to actual number of visits to the web pages as indicated by the extracted information (see McKeeth, col. 7, lines 35-62). But fails to teach being determined based upon information extracted from packets traversing the Internet. However, Tams et al. teaches being determined based upon information extracted from packets traversing the Internet (see Tams et al., col. 10, lines 4-18). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify McKeeth to being determined based upon information extracted from packets traversing the Internet in order to reduce problems due to different counting techniques and data table formats, by processing collected network traffic data, as required, to place it into a common data format (see Tams et al., col. 6, lines 12-19).

7. As per claim 48, McKeeth teaches and determining the popularity of the links from a first web page to a plurality of second web pages based upon the extracted information; the popularity of each of the links being proportionate to number of times each of the links is actually traversed as indicated by the extracted information (see McKeeth, col. 8, lines 14-41); and a search engine for receiving search terms and retrieving web pages containing the search terms (see McKeeth, col. 4, lines 43-60), the search engine propagating a score of the first web page to the second web pages to which the first web page is linked in proportion to the popularity of links from the first web page to each of the second web pages (see McKeeth, col. 7, lines 35-62). But fails

to teach a search system comprising: a plurality of monitoring devices placed in the network, the monitoring devices monitoring packets traversing the network and extracting information on the packets; a processing module coupled to the monitoring devices and receiving the extracted information from the monitoring devices, the processing module analyzing the extracted information. However, Tams et al. teaches a search system comprising: a plurality of monitoring devices placed in the network, the monitoring devices monitoring packets traversing the network and extracting information on the packets (see Tams et al., col. 2, lines 13-28); a processing module coupled to the monitoring devices and receiving the extracted information from the monitoring devices, the processing module analyzing the extracted information (see Tams et al., col. 10, lines 4-18). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify McKeeth to a search system comprising: a plurality of monitoring devices placed in the network, the monitoring devices monitoring packets traversing the network and extracting information on the packets; a processing module coupled to the monitoring devices and receiving the extracted information from the monitoring devices, the processing module analyzing the extracted information in order to reduce problems due to different counting techniques and data table formats, by processing collected network traffic data, as required, to place it into a common data format (see Tams et al., col. 6, lines 12-19).

8. Claims 13-15 and 39-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over McKeeth and Tams et al. as applied to claim 12 above, and further in view of Bharat (6,526,440).

9. As per claims 13 and 39, McKeeth and Tams et al. teach the mentioned limitations of claims 12 and 38 above, but fail to teach a search system, wherein the search engine ranks the retrieved web pages based upon the content of the web pages and the hyperlink structure linking the web pages as well as the popularity of the retrieved web pages. However Bharat teaches a search system, wherein the search engine ranks the retrieved web pages based upon the content of the web pages and the hyperlink structure linking the web pages as well as the popularity of the retrieved web pages (see Bharat, col. 3, lines 3-18 and col. 4, lines 13-24). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify McKeeth and Tams et al. to a search system, wherein the search engine ranks the retrieved web pages based upon the content of the web pages and the hyperlink structure linking the web pages as well as the popularity of the retrieved web pages in order to increase the relevancy and quality of the web pages returned to the user (see Bharat, col. 1, lines 29-52).

10. As per claims 14 and 40, McKeeth and Tams et al. teach the mentioned limitations of claims 12, 38, and 44 above, but fail to teach a search system, wherein the search engine propagates a score of a first web page to a plurality of second web pages to which the first web page is linked in proportion to the popularity of links from the first web page to each of the second web pages. However, Bharat teaches a search system,

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wherein the search engine propagates a score of a first web page to a plurality of second web pages to which the first web page is linked in proportion to the popularity of links from the first web page to each of the second web pages (see Bharat, col. 3, line 57-col. 4, line 9). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify McKeeth and Tams et al. to a search system, wherein the search engine propagates a score of a first web page to a plurality of second web pages to which the first web page is linked in proportion to the popularity of links from the first web page to each of the second web pages in order to increase the relevancy and quality of the web pages returned to the user (see Bharat, col. 1, lines 29-52).

11. As per claims 15 and 41, McKeeth and Tams et al. teach the mentioned limitations of claims 12 and 38 above, but fail to teach a search system, wherein the search engine ranks a first retrieved web page in higher priority than a second retrieved web page if the popularity of the first web page is greater than the popularity of the second web page. However, Bharat teaches a search system, wherein the search engine ranks a first retrieved web page in higher priority than a second retrieved web page if the popularity of the first web page is greater than the popularity of the second web page (see Bharat, col. 3, line 57-col. 4, line 9). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify McKeeth and Tams et al. to a search system, wherein the search engine ranks a first retrieved web page in higher priority than a second retrieved web page if the popularity of the first web page is greater than the popularity of the second web page in order to increase the relevancy and quality of the web pages returned to the user (see Bharat, col. 1, lines 29-52).

12. Claims 16 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over McKeeth and Tams et al. as applied to claim 12 above, and further in view of Vo (2003/0229692).

13. As per claim 16, McKeeth and Tams et al. teach the mentioned limitations of claim 12 above but fail to teach a search system, wherein the monitoring devices are placed in locations where aggregate packet traffic may be monitored. However, Vo teaches a search system, wherein the monitoring devices are placed in locations where aggregate packet traffic may be monitored (see Vo, ¶ 25). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify McKeeth and Tams et al. to a search system, wherein the monitoring devices are placed in locations where aggregate packet traffic may be monitored to provide a network monitoring device that monitors a network in order to gather information on the traffic flow generated by network users over the network (see Vo, ¶ 6).

14. As per claim 17, McKeeth and Tams et al. teach the mentioned limitations of claim 12 above but fail to teach a search system, wherein the monitoring devices are placed at a traversal point for complete bi-directional activity between a client device and a server on the network. However, Vo teaches a search system, wherein the monitoring devices are placed at a traversal point for complete bi-directional activity between a client device and a server on the network (see Vo, ¶ 25). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify McKeeth and Tams et al. to a search system, wherein the monitoring devices are

placed at a traversal point for complete bi-directional activity between a client device and a server on the network to provide a network monitoring device that monitors a network in order to gather information on the traffic flow generated by network users over the network (see Vo, ¶ 6).

15. Claims 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over McKeeth and Tams et al. as applied to claim 12 above, and further in view of Pulley et al. (2002/0087679).

16. As per claim 18, McKeeth and Tams et al. teach the mentioned limitations of claim 12 above, but fail to teach a search system, wherein the monitoring devices extract the information from packets in a TCP session, and the extracted information includes: a requested URI or URL; a client IP address; and a server IP address and a server host name. However, Pulley et al. teaches a system, wherein the monitoring devices extract the information from packets in a TCP session (see Pulley et al., paragraph 0075), and the extracted information includes: a requested URI or URL (see Pulley et al., paragraph 0098); a client IP address (see Pulley et al., paragraph 0029); and a server IP address and a server host name (see Pulley et al., paragraph 0158). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify McKeeth and Tams et al. to a system, wherein the monitoring devices extract the information from packets in a TCP session, and the extracted information includes: a requested URI or URL; a client IP address; and a server IP address and a server host name in order to provide systems and methods for

aggregating website activity data from a plurality of users in real-time or near real-time (see Pulley et al., paragraph 0015).

17. As per claim 19, McKeeth, Tams et al., and Pulley et al. teach the mentioned limitations of claims 12 and 18 above, but McKeeth and Tams et al. fail to teach a system, wherein the extracted information further includes a referrer URL. However, Pulley et al. teaches a system, wherein the extracted information further includes a referrer URL (see Pulley et al., paragraph 0098). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify McKeeth and Tams et al. to a system, wherein the extracted information further includes a referrer URL in order to provide systems and methods for aggregating website activity data from a plurality of users in real-time or near real-time (see Pulley et al., paragraph 0015).

18. As per claim 20, McKeeth, Tams et al., and Pulley et al. teach the mentioned limitations of claims 12 and 18 above, but McKeeth and Tams et al. fail to teach a system, wherein the monitoring devices analyzes the packets relating to GET Requests in the TCP session to extract the information. However, Pulley et al. teaches a system, wherein the monitoring devices analyzes the packets relating to GET Requests in the TCP session to extract the information (see Pulley et al., paragraphs 0166 and 0173). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify McKeeth and Tams et al. to a system, wherein the monitoring devices analyzes the packets relating to GET Requests in the TCP session to extract the information in order to provide systems and methods for aggregating website activity

data from a plurality of users in real-time or near real-time (see Pulley et al., paragraph 0015).

19. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over McKeeth and Tams et al. as applied to claim 12 above, and further in view of U.S. Patent No. 6,879,994 to Matsliach et al. ("Mat"). McKeeth and Tams et al. teach the mentioned limitations of claim 12 above, but fail to teach a system, wherein the processing module maintains a plurality of counters corresponding to a URL and increments a count of one of the counters, if the extracted information indicates that the web page corresponding to the URL was visited by a client device located in a geographical location corresponding to the counter of which the count was incremented, the count indicating the member of visits to the web page by client devices in the corresponding geographical location. However, Mat teaches a system, wherein the processing module maintains a plurality of counters corresponding to a URL and increments a count of one of the counters, if the extracted information indicates that the web page corresponding to the URL was visited by a client device located in a geographical location corresponding to the counter of which the count was incremented, the count indicating the member of visits to the web page by client devices in the corresponding geographical location (see Mat, col. 16, lines 16-35). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify McKeeth and Tams et al. to a system, wherein the processing module maintains a plurality of counters corresponding to a URL and increments a count of one of the counters, if the extracted

information indicates that the web page corresponding to the URL was visited by a client device located in a geographical location corresponding to the counter of which the count was incremented, the count indicating the member of visits to the web page by client devices in the corresponding geographical location in order to compile site usage information to determine popular "surf" patterns originating from a particular page. The patterns can be used to identify the most popular next destination(s) for users, further focused according to demographic information (see Mat, col. 5, lines 11-15).

20. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over McKeeth, Tams et al., and Matsliach et al. (6,879,994) as applied to claims 12 and 23 above, and further in view of to Pulley et al. (2002/0087679). McKeeth, Tams et al., and Mat teach the mentioned limitations of claims 12 and 23 above, but fail to teach a system, wherein the processing module increments the count only if the extracted information indicates that the web page was visited by the client device having a distinct IP address. However, Pulley et al. teaches a system, wherein the processing module increments the count only if the extracted information indicates that the web page was visited by the client device having a distinct IP address (see Pulley et al., paragraph 0098). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify McKeeth, Tams et al., and Mat to a system, wherein the processing module increments the count only if the extracted information indicates that the web page was visited by the client device having a distinct IP address in order to

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allow an user of the website activity monitoring systems to see how in-site up-sell and side-sell banner ads drive visitors to the website to place more things into the visitors' shopping baskets, so that locations where changes or additions might be fruitful can be identified (see Pulley et al., paragraph 0054).

21. Claims 21 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over McKeeth, Tams et al., and Matsliach et al. as applied to claims 12 and 23 above, and further in view of Sehm et al. (2005/0021731).

22. As per claim 21, McKeeth and Tams et al. teach the mentioned limitations of claim 12 above, but fail to teach a system, wherein the monitoring devices discard packets relating to invalid URLs, invalid GET Requests, requests from a web crawler, or auto-refreshment of previous TCP sessions in extracting the information. However, Sehm et al. teaches a system, wherein the monitoring devices discard packets relating to invalid URLs, invalid GET Requests, requests from a web crawler, or auto-refreshment of previous TCP sessions in extracting the information (see Sehm et al., paragraph 0060). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify McKeeth and Tams et al. to a system, wherein the monitoring devices discard packets relating to invalid URLs, invalid GET Requests, requests from a web crawler, or auto-refreshment of previous TCP sessions in extracting the information so that when the user visits the website again, he/she is again included in the 2-5 visits counter etc. instead of the 1st counter (see Sehm et al., paragraph 0062).

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23. As per claim 25, McKeeth, Tams et al., and Mat teach the mentioned limitations of claims 12 and 23 above, but fail to teach a system, wherein the processing module does not increment the count if the extracted information indicates that the packets were automatically and repeatedly generated by a computer. However, Sehm et al. teaches a system, wherein the processing module does not increment the count if the extracted information indicates that the packets were automatically and repeatedly generated by a computer (see Sehm et al., paragraph 0064). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify McKeeth, Tams et al., and Mat to a system, wherein the processing module does not increment the count if the extracted information indicates that the packets were automatically and repeatedly generated by a computer in order so that when the user visits the website again, he/she is again included in the 2-5 visits counter etc. instead of the 1st counter (see Sehm et al., paragraph 0062).

(10) Response to Argument

Applicant's arguments related to limitations of claims 12, 38, 43, and 48:

(I) Applicant argued that McKeeth fails to teach determining the popularity of the web pages as indicated by the information extracted from the packets actually traversing the network. Such popularity in McKeeth is determined using counters at the source search result document including the links or at the destination web page, as opposed to packet information extracted from the packets actually traversing the network.

The examiner respectfully disagrees, McKeeth teaches determining the popularity (determines the "popularity" of the link ("link_pop")) of the web pages as indicated by the information extracted from the packets actually traversing the network (webmasters maintain a counter that keeps track of the number of time users visit a website) (col. 7, lines 35-62). It is obvious to one of ordinary skill in the art that packets traverse the network when a user clicks on a link. Furthermore, Tams et al. teaches extracting information from packets traversing the network (often the remote probes are stand-alone devices which include internal resources, e.g., data storage and processing resources, used to collect, process and forward, e.g., to the network management system, information on packets being passed over the network segment being monitored) (col. 2, lines 13-28).

(II) Applicant argued that Tams nowhere suggests that the network traffic probe analyzes the collected network traffic data to determine the popularity of a particular web page for use in ranking Internet search results.

The examiner points out that Tams teaches a network traffic probe analyzes the collected network traffic data (process information on packets being passed over the network segment being monitored) (col. 2, lines 13-28). And McKeeth teaches to determine the popularity of a particular web page for use in ranking Internet search results (col. 7, lines 35-62).

(III) Applicant argued that even the combination of McKeeth with Tams still does not disclose determining the popularity of the web pages based upon or as indicated by information extracted from the packets actually traversing the network.

The examiner disagrees, McKeeth teaches determining the popularity of the web pages as shown above and Tams teaches collecting, extracting, and processing information from packets actually traversing the network as shown above. Therefore the combination teaches the claimed invention.

(IV) Applicant argued that there is no motivation whatsoever suggested in Tams or McKeeth to use the network traffic probes of Tams in combination with the search engine of McKeeth to determine the popularity of a web site.

The examiner disagrees. In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). The cited references are in the same field of endeavor since both references relate to packets traversing the network, and the subject matter disclosed in the references is within knowledge generally available to one of ordinary skill in the art. Furthermore the applicant admits that McKeeth involves packets traversing the network in effect contradicting applicant's own prior statement which states, "In contrast, the popularity of the web pages or links as variously recited in claims 12, 38, 43, and 48 is determined from information extracted from packets actually traversing the network, which is different from counters at the source search."

(V) Applicant argued that Matsliach does not disclose or even mention maintaining multiple counters for different geographical locations and counting the number of visits to the web page from client devices in corresponding geographical locations as recited in claim 23.

The examiner disagrees, in col. 15, lines 10-28 and col. 16, lines 1-6, Matsliach teaches processing module maintains a plurality of counters (site counters (10a3-6)) corresponding to a URL (such as current URL position (10a3-2)), and increments a count of one of the counters (increments the visitors counter for the new page) if the extracted information indicates that the web page corresponding to the URL was visited by a client device located in a geographical location corresponding to the counter of which the count was incremented, the count indicating the number of visits to the web page from client devices in the corresponding geographical location (server 10a updates the stored user location to reflect the new page being visited (step 84-2a)). A geographical location can be interpreted broadly to mean any location since there is no boundary set on the geographical location. A client device will obviously be in a geographical location corresponding to the counter.

(VI) Applicant stated that claims 13-27, and 39-41 depend from independent claims 12, 38, 43, and 48 and thus all arguments set forth above regarding claim 12, 38, 43, and 48 with respect to McKeeth and Tams are equally applicable to claims 13-27, and 39-41.

The examiner's response regarding claims 12, 38, 43, and 48 above apply equally to claims 13-27, and 39-41.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Ranodhi N. Serrao

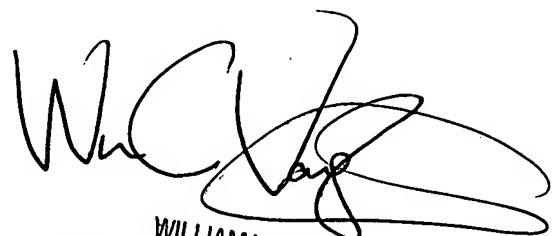
Examiner

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